

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division**

**R.M.S. TITANIC, INC.,  
successor-in-interest to  
Titanic Ventures, limited partnership,  
Plaintiff,**

**v.**

**Civil Action No. 2:93cv902**

**THE WRECKED AND ABANDONED VESSEL,  
ITS ENGINES, TACKLE, APPAREL,  
APPURTENANCES, CARGO, ETC., LOCATED  
WITHIN ONE (1) NAUTICAL MILE OF A POINT  
LOCATED AT 41 43' 32" NORTH LATITUDE  
AND 49 56' 49" WEST LONGITUDE,  
BELIEVED TO BE THE R.M.S. TITANIC  
in rem,**

**Defendant.**

**UNITED STATES' RESPONSE TO RMST'S  
REQUEST FOR AN EXTENSION OF TIME (ECF NO. 620)**

The United States, as *amicus*, and on behalf of its National Oceanic and Atmospheric Administration ("NOAA"), provides this response to RMST's request for an extension of time to submit its funding plans for the 2020 Expedition, as required by this Court's May 18, 2020, Opinion. ECF No. 612 at 14.

1. The United States defers to the Court on whether to grant the extension, or whether it should now deny RMST's motion to alter or amend for failing to comply with an express term of the order initially granting the motion.<sup>1</sup>

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<sup>1</sup> The United States observes that RMST previously "attest[ed] that it possesses the financial resources to conduct the proposed expedition." ECF No. 601-1 at 34. Yet in its current filing, RMST states, "In the period since the Court issued its Opinion, RMST has been working diligently to secure the . . . funding necessary to conduct the expedition to recover the Marconi Artifacts." ECF No. 620 at 2.

2. If the Court denies the extension, the United States respectfully requests that the Court enter an order clarifying that RMST has not satisfied the condition in the Court’s May 18, 2020, Opinion and vacating the Court’s May 18, 2020 Order.<sup>2</sup> If the Court grants the motion, and in light of the fact that RMST apparently had not prior to the May 18, 2020, Opinion “secure[d] the expertise and funding necessary to conduct the expedition to recover the Marconi Artifacts,” ECF No. 620 at 2, the United States requests that the Court clarify that the May 18, 2020, Opinion should be understood to mean that the Court will determine whether the funding plans are adequate before RMST is to proceed with the 2020 Expedition.

3. Regarding RMST’s allegations that NOAA has engaged in a “behind-the-scenes campaign” to interfere with RMST’s ability to gather experts and assemble funding for the 2020 Expedition: At no time prior to this filing,<sup>3</sup> has RMST’s counsel contacted the undersigned counsel or NOAA counsel (Jackie Roller) to address purported concerns along these lines, such that NOAA could investigate.<sup>4</sup> In the absence of specific information – who was allegedly threatened and by whom – further investigation to determine the veracity of these allegations is not possible. Undersigned counsel is presently unaware of any information that would corroborate Plaintiff’s allegations.

Respectfully submitted,

G. Zachary Terwilliger  
United States Attorney

By: /s/ Kent P. Porter  
Kent P. Porter, VSB No. 22853  
Assistant United States Attorney

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<sup>2</sup> In that instance, the United States’ motion to reconsider, ECF No. 616, would be moot.

<sup>3</sup> The undersigned has had several telephone conferences with RMST’s counsel recently to discuss matters concerning the motion to intervene.

<sup>4</sup> Including, for example, how NOAA was responsible for the Commonwealth of Virginia removing Dr. Broadwater as “lead Virginia state underwater archeologist.” ECF No. 620-1 at 3. *See also* ECF No. 601-1 at 37 (describing Dr. Broadwater’s role at DHR as “senior underwater archeologist” from 1978 to 1990).

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### CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of May, 2020, I will electronically file the foregoing document with the Clerk of Court using the CM/ECF system, which will then send a notification of electronic filing (NEF) to the following:

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